

# It's IHAP day in NSW – and ashes for Blacktown

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NSW's controversial new planning laws come into operation today (1 March 2018), and not everybody is happy. At the centre of the new system are Independent Hearing and Assessment Panels (IHAPs), which will take over the planning process from councils for all developments between \$5 million and \$30 million.

Each council is to appoint its own panel, comprising a chair, two independent expert members and a community member. The panels, also to be known as Local Planning Panels, will assess development applications made to local councils.

Under revisions to the Environmental Planning and Assessment Act 1979, the panels are now mandatory for all Sydney councils and Wollongong City Council. "Panels are to be put in place so the process of assessment and determination of development applications (DAs) with a high corruption risk, sensitivity or strategic importance are transparent and accountable," says the Government.

The composition of the panels will be largely controlled by the State Government, which will nominate each panel's Chair. Councils will be able to choose the two 'independent' members of the panel, but only "from a pool established by the Department of Planning and Environment and approved by the Minister for Planning." Only the community member will be appointed solely at the discretion of the council.

The Government, predictably, says the new regimen will be an improvement and will ensure the transparency of the approval process. Many councils are not so sure.

Blacktown Council, in Western Sydney, has gone so far as to stage a mock memorial service for local decision-making. It has created an obituary based on cricket's famous Ashes lament:

*'In Affectionate Remembrance of Accountable Development, which died in Blacktown on 28 February 2018. Deeply lamented by a large circle of sorrowing friends and acquaintances. R.I.P. NB – the body was cremated and the ashes taken to the NSW Parliament'*

The day before the new law came into effect the council burnt its last Development Application in protest against the move to IHAPs. The ashes were placed in two urns, one to remain in council chambers and the other to be presented to NSW Planning Minister Anthony Roberts.

"We hope he will keep it as a reminder of how he has killed the voice of the community," said Blacktown City Mayor, Stephen Bali, who is also an ALP member of State Parliament.

"Not only have elected councillors lost the power to approve or reject development applications, but the community has lost the power to stand up before the councillors it elected to voice an opinion about how the neighbourhood takes shape."

It cannot be argued that the process of Councillors voting on DAs slowed down development in Blacktown, Mayor Bali said. "Last year, the Councillors only voted on 21 DAs – the other 2,500-odd were approved by council officers under delegated authority in an average time of just over a month.

"Councillors only looked at contentious developments of community concern or those where developers were not complying with regulations.

"Open council meetings are the epitome of accountable, transparent and balanced decision-making. By contrast, Local Planning Panels will be chaired by powerful state-level experts who are unlikely to have the same level of knowledge or understanding of our city's needs," he said.

<https://www.governmentnews.com.au/2018/03/ihap-day-nsw-ashes-blacktown/>